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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,353	02/14/2005	Russell N Owen	555255012831	4652
24325 7590 04/08/2009 PATENT GROUP 2N JONES DAY NORTH POINT 901 LAKESIDE AVENUE CLEVELAND, OH 44114				
EXAMINER SCHWARTZ, DARREN B				
ART UNIT 2435		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,353

Applicant(s)

OWEN ET AL.

Examiner

DARREN SCHWARTZ

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009 and 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant amends claims 1, 4, 11, 18.

Claims 1-20 are presented for examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 March 2009 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recite the limitation "permit completion of the operation if the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset," yet no limitation is provided "if the request **is/was not**

originated with an entity that has a trust relationship with the domain that includes the at least one affected asset." This issue is raised because the "if" conditional, by its very nature, exhibits alternative steps in the event the "if" conditional fails; the alternative step(s) may, or may not, be limited to not performing any step(s). Ergo, the meets and bounds of the claim have not been clearly established. To remediate this issue, applicant must remove the conditional or include the alternative step(s) when the conditional fails.

Claims 4 and 9 are rejected under similar grounds as those provided *a priori* in re claim 1.

Claim 11 recite the limitation "allowing the operation to be completed if the operation is permitted by the domain that includes the affected asset," yet no limitation is provided if "if the operation is **not** permitted by the domain that includes the affected asset." This issue is raised because the "if" conditional, by its very nature, exhibits alternative steps in the event the "if" conditional fails; the alternative step(s) may, or may not, be limited to not performing any step(s). Ergo, the meets and bounds of the claim have not been clearly established. To remediate this issue, applicant must remove the conditional or include the alternative step(s) when the conditional fails.

Claim 18 is rejected under similar grounds as those provided *a priori* in re claim 11.

Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweet et al (U.S. Pat Pub 2002/0031230 A1), hereinafter referred to Sweet, in view of Albert et al (U.S. Pat Pub 2003/0177389 A1), hereinafter referred to as Albert.

Re claims 1 and 11: Sweet teaches a system of securely controlling a wireless mobile communication device (Abstract: lines 6-7 and lines 16-22; Fig 11), comprising: a plurality of domains [domain-specific policies] residing on a wireless mobile communication device [PXA³ Member Client System] (§113, §114-§115), each domain including an asset of the wireless mobile communication device (§114, lines 16-20); and a domain controller configured to receive a request to perform an operation affecting at least one of the assets (§147; §211), to determine whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset and to permit completion of the operation if the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset (§116; §117; §212-223).

Albert explicitly teaches a domain controller [Fig 3, elt 320: page 8, §70, lines 3-4; §71, lines 8-10] on the mobile device [Fig 3, elt 310: §71, lines 1-6] (§72, lines 12-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Sweet with the teachings of Albert, for the purpose of storing different security policies and settings for end-user devices connecting to various entities or networks, as explicitly taught by Albert: ¶14.

Re claim 2: The combination of Sweet and Albert teaches a key store [*server holds all private keys*] for storing cryptographic keys associated with the domain that includes the at least one affected asset, wherein the domain controller is configured to determine whether the request originated with an entity that has a trust relationship with the domain using the cryptographic keys (Sweet: Abstract, lines 8-10; ¶25-¶26) (Albert: ¶50).

Re claims 3, 12 and 13: The combination of Sweet and Albert teaches the domain controller is configured to determine whether the request originated with the entity that has a trust relationship with the domain that includes the at least one affected asset by determining whether the domain that includes the at least one affected asset also includes the entity (Sweet: ¶191, ¶192, ¶212-¶222) (Albert: ¶83).

Re claim 4: The combination of Sweet and Albert teaches at least one domain further includes as an asset a software application for which the domain controller permits completion of the operation upon the software application [Sweet: Fig 11, elts 805 and 855] if the request originated with an entity [Sweet: Fig 11, 800: PXA Server System] that has a trust relationship with the at least one domain that includes as an asset the software application (Sweet: Fig 11: ¶383-387) (Albert: ¶50).

Re claim 5: The combination of Sweet and Albert teaches at least one of the domains comprises a plurality of domains (Sweet: ¶105), and wherein the wireless mobile communication device further comprises a super user software application that has a trust relationship with more than one of the plurality of domains (Sweet: ¶87; ¶115; ¶212; ¶216) (see also Sweet: ¶229-245) (Albert: ¶83 and ¶98).

Re claim 6: The combination of Sweet and Albert teaches each of the more than one of the plurality of domains includes the super user software application (Sweet: ¶229-245) (Albert: ¶83 and ¶98).

Re claim 8: The combination of Sweet and Albert teaches the at least one asset is selected from the group consisting of: communication pipes, persistent data, properties, and software applications (Sweet: ¶170-171).

Re claim 14: The combination of Sweet and Albert teaches the request originates from a software application (Sweet: ¶150-151; *credentials 115 may be associated with an application that defines one more identity elements for a member 105*), and wherein the step of determining whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset comprises the step of verifying a digital signature of the software application using a cryptographic key associated with the domain. (Sweet: Abstract, lines 8-10; ¶25-¶26).

3. Claims 7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweet et al (U.S. Pat Pub 2002/0031230 A1), hereinafter referred to Sweet, in view of Albert et al (U.S. Pat Pub 2003/0177389 A1), hereinafter referred to as Albert, in

further view of Satagopan et al (U.S. Pat Pub 2002/0095497 A1), hereinafter referred to as Satagopan.

Re claims 7 and 15: Stagopan teaches the domain controller is further configured to receive information, and to place the information into a domain (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Sweet and Albert with the teachings of the Satagopan reference for the purpose of securely pushing information into a domain.

Re claim 16: The combination of Sweet, Albert and Satagopan teaches the step of associating comprises the step of determining with which domains the information is to be associated in accordance with domain policies (Satagopan: ¶31 and ¶34).

Re claim 17: The combination of Sweet, Albert and Satagopan teaches the domain policies specify that information is to be associated with domains based on one or more of: a source of the information, an indicator of a domain in the information, a communication pipe over which the information is received, a digital signature of the information, an access list describing allowed domain information, and an input from a user of the wireless mobile communication device (Sweet: ¶170-171).

4. Claims 9, 10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweet et al (U.S. Pat Pub 2002/0031230 A1), hereinafter referred to Sweet, in view of Albert et al (U.S. Pat Pub 2003/0177389 A1), hereinafter referred to

as Albert, in further view of Freund (U.S. Pat 5987611 A), hereinafter referred to as Freund.

Re claims 9 and 18: Freund teaches a data store for storing properties [Fig 2, elt 225], wherein the domain controller is further configured to determine whether the operation is permitted by properties in the data store, and to permit completion of the operation where the operation is permitted by the properties in the data store (col 3, line 60 – col 4, line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Sweet and Albert with the teachings of Freund for the purpose of providing access control properties unique to each client-side module.

Re claim 10: The combination of Sweet, Albert and Freund teaches each property is global, domain-specific, or specific to a particular software application on the wireless mobile communication device (Freund: col 6, lines 30-35; Fig 2; col 8, lines 30-53).

Re claim 19: The combination of Sweet, Albert and Freund teaches the step of determining whether the operation is permitted by properties stored at the wireless mobile communication device comprises the step of checking global properties for the wireless mobile communication device and domain properties for the domain that includes the at least one affected asset (Freund: col 3, line 60 – col 4, line 28; col 6, lines 30-35; Fig 2; col 8, lines 30-53).

Re claim 20: The combination of Sweet, Albert and Freund teaches the request originates from a software application, and wherein the step of determining whether the operation is permitted by properties stored at the wireless mobile communication device further comprises the step of checking application properties for the software application (Freund: col 4, lines 30-50).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat 6438695 B1 teaches the amended limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./
Examiner, Art Unit 2435
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435